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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,077	02/06/2004	Roger Raetzman	BMCA9159.364	2076

27062 7590 04/20/2005

BOMBARDIER RECREATIONAL PRODUCTS INC.  
INTELLECTUAL PROPERTY DEPT  
PO BOX 230  
NORTON, VT 05907-0230

EXAMINER
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CASTRO, ARNOLD

ART UNIT	PAPER NUMBER
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3747

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

3747

Part of Paper No./Mail Date 04172005

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. The indicated allowability of claims 48, 49, and 51-53 are withdrawn in view of the newly discovered reference to Otobe (US/4,570,592). Rejections based on the newly cited reference(s) follow.
2. Claims, 2,4,6-18,20,22,24-27,29 and 30 are allowed.
3. Claim 50 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 48, 49, and 51-53 are rejected under 35 U.S.C. 102(b) as being anticipated by Otobe (US/4,570,592).

Otobe discloses a method of operating an internal combustion engine comprising the step of increasing an amount of fuel provided to a combustion chamber while maintaining a closed throttle plate position commonly known as idle speed control. Moreover, Otobe describes providing an air bypass (6) in a location that would minimize noise travel toward a user while providing sufficient air for a given range of engine operation valve is in back of throttle valve away from user,

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the air bypass having an opening (7) open to atmosphere and directed in a direction different than that of a throttle plate (5) and allowing acceleration within the given range of operation without a corresponding change in throttle plate position. The method further includes that the range of operation is from an idle operation to a certain low speed operation wherein the throttle plate is open further when the engine requires comprising at least partially a generally homogeneous charge. The throttle plate closes during deceleration of the engine this is common practice and inherently occurs prior to reaching idle speed when engine is deceleration. Col. 3, line 10-55

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arnold Castro whose telephone number is (571) 272-4839. The examiner can normally be reached on Mon, Tues, Wed, Thurs 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yuen Henry can be reached on (571)-272-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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Arnold Castro  
Examiner  
Art Unit 3747

AC



Henry C. Yuen  
Supervisory Patent Examiner  
Group 3700